

a five-membered ring carbon in claim 1, the base claim from which the remaining claims depend (see line 6). This is further apparent from the specification, specifically page 2, lines 21-22.

If R_2 in formula VII is hydrogen, the moiety $R_2-CH_2C(=O)-$ represents acetyl. Numerous N-acetyl-heterocyclic compounds are well-known in the art and/or are commercially available. For example, 1-acetylimidazole and 1-acetylindone are commercially available as evidenced by page 19 of the Aldrich catalog [enclosed]. Further, 1-acetylpyrimidinium halides are disclosed in Chemical Abstracts 107:235911 [enclosed]. Due to the similar structure of pyrazine and pyridine (pyrazine being 4-azapyridine), one skilled in the art would be able to analogously prepare 1-acetylpyrazinium bromide. Therefore, the starting materials of formula VII and their manufacture are well within the public domain and this rejection under 35 U.S.C. § 112 should be withdrawn.

Claims 15, 16, and 19 have been rejected under 35 U.S.C. § 112 for indefiniteness.

1. The word "or" has been added in claim 15 as suggested by the Examiner.
2. The word "or" has been added in claim 16 as suggested by the Examiner.
3. During the telephone conversation of 12 September 1995, the Examiner withdrew his objection to the capitalization of Nitro as the case is consistent with that of the other compounds claimed.

In view of the above, the rejections under 35 U.S.C. § 112, second paragraph, have been overcome.

Claims 4, 5, 8-9, 12-14, 18, and 20 have been objected to as being dependent upon a rejected base claim. As the rejections to the base claims have been overcome, this objection also has been overcome.

Claim 19 has been amended so as to remove a single claimed compound. New claim 24 has been added which claims this single compound and its pharmaceutically acceptable salts.

In view of the foregoing, Applicant submits the Application is now in condition for allowance and respectfully requests early notice to that effect.

Respectfully submitted,



Karen G. Kaiser

Attorney for Applicant

Reg. No. 33,506

CIBA-GEIGY Corporation

Patent Department

520 White Plains Road

P.O. Box 2005

Tarrytown, New York 10591-9005

(908) 277-3318

Dated: 12 Sept 95

C:\pros19046\amend-2.wrd